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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,456	12/29/2000	Gopal N. Iyer	00349	7191

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EXAMINER	
SMITH, SHEILA B	
ART UNIT	**PAPER NUMBER**
2681	10

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,456	IYER, GOPAL N.	
	Examiner	Art Unit	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *05 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,7-9,11 and 13-15* is/are rejected.

7)☐ Claim(s) *4,6,10,12 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-3, 5, 7-9,11,13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakura (U. S. Patent Number 5,357,557) in view of Sansone et al. (U. S. Patent Number 6,035,043) and further Wojcik (U. S. Patent Number 6,525,657).

Regarding claims 1-3, 5, Sakakura discloses essentially all the claimed invention as set fourth in the instant application, further Sakakura discloses a inter-mobile terminal testing method in cellular automobile telephone system. In addition Sakakura discloses performing a first phone call using said Comarco and Hughes equipment (which reads on a call C1 is made from the first terminal 31 as a start point in the test sequence to the second terminal 32S of column 2 lines 37-39) to obtain a first set of call specific drive test data from an area covered by said wireless network (which reads on column 2 lines 7-15), wherein said first set of data includes at least a element of said first phone call (which reads on column 2 lines 64-65); instructions for performing a second phone call using said Lucent equipment to perform an RF call trace in connection with said drive test and to obtain a second set of call specific data (which reads on column 2 lines 60-65), wherein said second set of data includes at least a element of said second phone call (which reads on column 2 lines 42-48 and column 3 lines 57-60); instructions for combining said first and second sets of data into a combined output file

based on respective said elements of said first and second phone calls (which reads on a call C5 is made from the first terminal 31 to the cellular automobile telephone exchange 20 to transmit the accumulated test result thereto column 3 lines 46-49); however, Sakakura fails to specifically disclose (a) a set of data which includes at least a time element; (b) Comarco and Hughes and Lucent equipment and generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file.

In the same field of endeavor, Sansone et al. further discloses a cellular telephone manifest system. In addition Sansone et al. discloses (a) a element associated with time as disclosed in column 10 lines 9-12, and lines 23-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Sakakura by modifying a inter-mobile terminal testing method in cellular automobile telephone system, with a set of data which includes at least a time element as taught by Sansone et al. for the purpose of recording in the phone all the calls made by that particular phone.

However, the combination of Sakakura in view of Sansone et al. fails to disclose Comarco and Hughes and Lucent equipment and generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file. In the same field of endeavor, Wojcik further discloses a apparatus and method for production testing

of the RF performance of wireless communication device. In addition Wojcik discloses (b) "specifically, the inventor has found that for any given product design a reference "SAR Signature" map for that product can be produced" which reads on generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file as disclosed in column 3 lines 9-15 and column 4 lines 23-30. Additionally in view of the fact that the applicant disclosed in the specification that Comarco and Hughes and Lucent equipment is "the name of telephone equipment" Sakakura does provide for telephone equipment which more than adequately meet the limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Sakakura by modifying a inter-mobile terminal testing method in cellular automobile telephone system, with generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file as taught by Wojcik for the purpose of producing statistical analyses based on measurement results.

Regarding claims 7-9, and 11, Sakakura discloses essentially all the claimed invention as set fourth in the instant application, further Sakakura discloses a inter-mobile terminal testing method in cellular automobile telephone system. In addition Sakakura discloses performing a first phone call using said Comarco and Hughes equipment (which reads on Sakakura terminal of column 2 lines 23-24) to obtain a first set of call specific drive test data from an area covered

by said wireless network (which reads on column 2 lines 7-15), wherein said first set of data includes at least a element of said first phone call (which reads on column 2 lines 64-65); instructions for performing a second phone call using said Lucent equipment to perform an RF call trace in connection with said drive test and to obtain a second set of call specific data (which reads on column 2 lines 60-65), wherein said second set of data includes at least a element of said second phone call (which reads on column 2 lines 42-48 and column 3 lines 57-60); instructions for combining said first and second sets of data into a combined output file based on respective said elements of said first and second phone calls (which reads on column 3 lines 20-24); a computer readable medium (which reads on the mobile phone) containing instructions; however, Sakakura fails to specifically disclose (a) a set of data which includes at least a time element; and (b) generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file.

In the same field of endeavor, Sansone et al. further discloses a cellular telephone manifest system. In addition Sansone et al. discloses (a) a element associated with time as disclosed in column 10 lines 9-12, and lines 23-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Sakakura by modifying a inter-mobile terminal testing method in cellular automobile telephone system, with a set of data which includes at least a time element as taught by Sansone et al. for the purpose of recording in the phone all the calls made by that particular phone.

However, the combination of Sakakura in view of Sansone et al. fails to disclose Comarco and Hughes and Lucent equipment and generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file. In the same field of endeavor, Wojcik further discloses a apparatus and method for production testing of the RF performance of wireless communication device. In addition Wojcik discloses (b) "specifically, the inventor has found that for any given product design a reference "SAR Signature" map for that product can be produced" which reads on generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file as disclosed in column 3 lines 9-15 and column 4 lines 23-30.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Sakakura by modifying a inter-mobile terminal testing method in cellular automobile telephone system, with generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file as taught by Wojcik for the purpose of producing statistical analyses based on measurement results.

Regarding claims 13-15, Sakakura discloses essentially all the claimed invention as set fourth in the instant application, further Sakakura discloses a inter-mobile terminal testing

method in cellular automobile telephone system. In addition Sakakura discloses performing a first phone call using said Comarco and Hughes equipment (which reads on a call C1 is made from the first terminal 31 as a start point in the test sequence to the second terminal 32S of column 2 lines 37-39) to obtain a first set of call specific drive test data from an area covered by said wireless network (which reads on column 2 lines 7-15), wherein said first set of data includes at least a element of said first phone call (which reads on column 2 lines 64-65); switch equipment (which reads on figure 2, 20 cellular automobile telephone exchange) for performing a second phone call using said Lucent equipment to perform an RF call trace in connection with said drive test and to obtain a second set of call specific data (which reads on column 2 lines 60-65), wherein said second set of data includes at least a element of said second phone call (which reads on column 2 lines 42-48 and column 3 lines 57-60); a processor (which reads on the test console 11) for combining said first and second sets of data into a combined output file based on respective said elements of said first and second phone calls (which reads on a call C5 is made from the first terminal 31 to the cellular automobile telephone exchange 20 to transmit the accumulated test result thereto column 3 lines 46-49); however, Sakakura fails to specifically disclose (a) a set of data which includes at least a time element; (b) Comarco and Hughes and Lucent equipment and generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file.

In the same field of endeavor, Sansone et al. further discloses a cellular telephone manifest system. In addition Sansone et al. discloses (a) a element associated with time as disclosed in column 10 lines 9-12, and lines 23-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Sakakura by modifying a inter-mobile terminal testing method in cellular automobile telephone system, with a set of data which includes at least a time element as taught by Sansone et al. for the purpose of recording in the phone all the calls made by that particular phone.

However, the combination of Sakakura in view of Sansone et al. fails to disclose Comarco and Hughes and Lucent equipment and generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file. In the same field of endeavor, Wojcik further discloses a apparatus and method for production testing of the RF performance of wireless communication device. In addition Wojcik discloses (b) "specifically, the inventor has found that for any given product design a reference "SAR Signature" map for that product can be produced" which reads on generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file as disclosed in column 3 lines 9-15 and column 4 lines 23-30. Additionally in view of the fact that the applicant disclosed in the specification that Comarco and Hughes and

Lucent equipment is "the name of telephone equipment" Sakakura does provide for telephone equipment which more than adequately meet the limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Sakakura by modifying a inter-mobile terminal testing method in cellular automobile telephone system, with generating a graphical representation of call specific data in a wireless network in conjunction with Comarco and Hughes and Lucent equipment, and instructions for processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file as taught by Wojcik for the purpose of producing statistical analyses based on measurement results.

Allowable Subject Matter

2. Claims 4,6,10,12,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a cellular telecommunications systems that records in the cellular telephone all the telephone calls made by that particular cellular telephone.

Regarding applicant's argument that Wojcik fail to disclosed generating a graphical representation of call specific data in a wireless network. The examiner agrees, the examiner however, contends that the Wojcik reference was solely used to disclose the generating a graphical representation of data that had been inputted or programmed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith
May 26, 2004

JEAN GELIN
PATENT EXAMINER